Supreme Court, U.S.
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No. 05-311

In The Supreme Court of the United States

KATHLEEN PARDUE,

Petitioner,

v.

THE CENTER CITY CONSORTIUM SCHOOLS OF THE ARCHDIOCESE OF WASHINGTON, INC., *et al.*,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI WITH APPENDIX

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QUESTION PRESENTED

Whether and to what extent the First Amendment of the United States Constitution exempts religious institutions from accountability from all claims of discrimination, regardless of their basis, proscribed by valid and neutral State and Federal employment antidiscrimination laws?

PARTIES TO THE PROCEEDING

Petitioner is Kathleen Pardue, who was plaintiff in the Superior Court of the District of Columbia and appellant in the District of Columbia Court of Appeals. Respondents are the Center City Consortium of Schools of the Archdiocese of Washington, Inc. ("Center City Consortium of Schools") and Mary Anne Stanton, defendants in the Superior Court of the District of Columbia and appellees in the District of Columbia Court of Appeals.

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The June 9, 2005, opinion of the District of Columbia Court of Appeals is annexed hereto and reported at *Pardue v. Center City Consortium Schools of Archdiocese of Washington, Inc.*, 875 A.2d 669 (D.C. 2005). App. 1a. The court of appeals affirmed the decision of the Superior Court of the District of Columbia entered on July 29, 2003, in which it dismissed Petitioner's District of Columbia Human Rights Act claim for lack of subject matter jurisdiction. App. 25a. The superior court subsequently entered an order granting summary judgment on the remaining counts of Petitioner's complaint on October 29, 2003. App. 19a. It then dismissed the remaining counts in Petitioner's complaint on October 29, 2003. App. 24a.

JURISDICTION

The District of Columbia Court of Appeals, which is the Court of last resort in the District of Columbia, issued its decision and final judgment on June 9, 2005. App. 1a. This petition is timely filed within ninety days following the District of Columbia Court of Appeals' decision, published at 875 A.2d 669. Jurisdiction is invoked pursuant to 28 U.S.C. § 1257 and Rule 10(c) of the Rules of the Supreme Court of the United States.

CONSTITUTIONAL PROVISION AND STATUTES INVOLVED

U.S. Const. amend. I: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of

speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

D.C. Code Ann. § 2-1402.11(a)(1): "(a) General. -- It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based upon the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, genetic information, disability, matriculation, or political affiliation of any individual: (1) By an employer. -- To fail or refuse to hire, or to discharge, any individual; or otherwise to discriminate against any individual, with respect to his compensation, terms, conditions, or privileges of employment, including promotion; or to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee."

D.C. Code Ann. § 2-1401.03(b): "Nothing in this chapter shall be construed to bar any religious or political organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious or political organization, from limiting employment, or admission to or giving preference to persons of the same religion or political persuasion as is calculated by the organization to promote the religious or political principles for which it is established or maintained."